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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 CAROLYN JEAN CONBOY, D.O.,

2:11-CV-1649 JCM (CWH)

9 Plaintiff,

10 v.

11 WYNN LAS VEGAS, LLC, dba
12 ENCORE AT WYNN LAS VEGAS, et
13 al.,

14 Defendants.
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16 **ORDER**

17 Presently before the court is defendant Wynn Las Vegas, LLC dba Encore at the Wynn Las
18 Vegas' motion for partial summary judgment. (Doc. #62).

19 In a summary judgment motion, the moving party bears the burden of informing the court
20 of the basis for its motion, together with evidence demonstrating the absence of any genuine issue
21 of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). "A trial court can only consider
22 admissible evidence in ruling on a motion for summary judgment." *Orr v. Bank of America*, 285
23 F.3d 764, 773 (9th Cir. 2002). "Authentication is a condition precedent to admissibility" *Id.*
24 (internal citations omitted). Unauthenticated documents "cannot be considered in a motion for
25 summary judgment." *Id.*

26 In the case at bar, the moving party has not authenticated the evidence supporting its motion
27 for summary judgment. (*See* Doc. #62). Without properly authenticated supporting evidence, the
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1 court cannot consider the instant motion for summary judgment. *See Orr*, 285 F.3d at 773.

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Wynn Las
4 Vegas, LLC dba Encore at the Wynn Las Vegas' motion for partial summary judgment (doc. #62)
5 be, and the same hereby is, DENIED.

6 DATED May 2, 2012.

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9 UNITED STATES DISTRICT JUDGE